

From: George Mitchell
To: Microsoft ATR
Date: 12/12/01 12:38pm
Subject: Proposed Microsoft Settlement

Dear Sirs,

I would like to make the following comments about the proposed Microsoft settlement:

1) The fact that Microsoft is specifically exempted from having to cooperate with those THEY do not consider to be 'a business' effectively blunts competition from free software. And in fact Microsoft themselves have identified free software as their number one potential competitor.

If this settlement is really about restoring competition to the software industry, why does it contain such a gaping hole? There should be NO discretion allowed on Microsoft's part as to who they are required to share their technology with, that discretion if any should be assigned to the independent overseers.

2) This settlement does much to attempt to restore competition to the application software market, but does not even address the operating system software market. While it prevents Microsoft from using their OS monopoly to leverage their applications, it does nothing to prevent Microsoft from using their applications monopoly (MS Office) to leverage their OS. Microsoft has in fact previously threatened to pull their office suite product from the Mac OS in order to stifle just this kind of competition. Microsoft knows that they face little competition from the Mac OS and are loath to offer their office suite product for deployment on any OS that might prove to be an effective competitor.

Microsoft should be required to license their office suite for porting to other OS's in order to restore competition to the OS market.

Otherwise, they're complete dominance of the desktop market will be used by them to effectively leverage the OS market as a whole, and marginalize they're competition.

Sincerely,

George H. Mitchell
4497 Excelsior Rd
Eureka CA 95503-6180